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Art Unit 3635

Date: 04/23/05

From: Werner H. Schroeder
Patent Agent
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Number of pages including cover sheet: 4Comments: Application No 10/705,573Response to an Office Action


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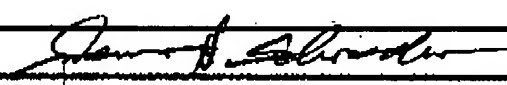
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10705.573	
	Filing Date	11/12/2003	
	First Named Inventor	Philip J. Schrodner	
	Art Unit	3835	
	Examiner Name	J. E. Chapman	
Total Number of Pages in This Submission	4	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
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Response to a second Office Action

Application No. 10/705,573

This communication is a response to a second Office Action but a first claim rejection. The communication has a mailing date of 04/15/2005 and sets forth a shortened statutory period for of three months which would expire on 07/15/2005.

Remarks

Claims 10 and 12 are rejected under 35 U.S.C 103(a) as being unpatentable over Eaton (6,755,001) in view of Dumlao (6,092,350).

First of all, applicant is claiming a wall and not a flooring system as is disclosed by both the references cited. A wall is constructed entirely different than a floor and, therefore, are not equal to each other in construction and in load bearing characteristics. The examiner cannot equate both to be wall(floor) as was done. The floor of Eaton is disseminated by the examiner as:

1) a fabric material 140 is being located on one side of the wall floor.

It is pointed out to the examiner that 140 is not a fabric at all. Eaton identifies the alleged fabric (examiner) (col. 6 lines 1 - 21) as a shrinkage shrinkage-control mesh 140 made of a cross-grid of metal rods, preferably of steel. The shrinkage control mesh 140 is laid such that that the mesh grid is generally oriented in the directions of bearing members 110 and joists 122, thus providing added concrete strength as well as shrinkage control. The fabric material in use by applicant is entirely different from the mesh identified by Eaton. Applicant's fabric is a woven or non-woven cloth. (Specification, page 1, under heading of "Summary of Invention"). Stated very simple, the mesh material of Eaton is no fabric and, therefore, this reference must fail as a base reference against the claims.

The examiner further states under: